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| <div style="display: flex; justify-content: space-between;"><div><p>*ALSO ADMITTED IN NEW JERSEY **ALSO ADMITTED IN CONNECTICUT +ALSO ADMITTED IN D.C.</p></div><div></div><div></div></div> | | |

September 13, 2023

VIA ECF

Hon. Jesse M. Furman
U.S. District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: Darko v. Graham et al., No. 1:23-cv-03232-JMF

Dear Judge Furman:

The undersigned counsel to Plaintiff Michael Elliot Kwabena Okyere Darko (“Darko”), herein writes the Court to respectfully request an extension of time to November 15, 2023, to serve the Complaint in this matter upon domestic Defendants OVO Sound LLC, and Diamante Anthony Blackmon, and foreign Defendants Alexander Lustig, Christian Beau Anastasiou Astrop, Johannes Klahr, Richard Zastenker, Universal Music Publishing AB, and Bremer Music Group AB. This request is for good cause as to the domestic Defendants pursuant to Rule 4(m) of the Federal Rules of Civil Procedure (“Rule 4(m)”). This is Plaintiff’s second request for an extension.

In accordance with Rule 4(m), the 90-day deadline for effectuating service of the Complaint, which Darko initiated on April 18, 2023, necessitated service on or before July 17, 2023. In the interim, Plaintiff encountered difficulty serving the various Defendants who are celebrities and touring musicians, and thus difficult to locate. Your Honor granted Plaintiff’s first

request for an extension to serve the Complaint and extended the deadline to September 15, 2023. Thereafter, we have served Defendants Aubrey Drake Graham, UMG Recordings, Inc., Universal Music Publishing, Inc., Universal Songs of Polygram International Inc., Warner Music Group Corp., and Warner-Tamerlane Publishing Corp., through counsel. We were eventually able to serve Republic Records, Inc., after counsel for the above-referenced Defendants declined service.

As to OVO Sound LLC, counsel for the above-referenced Defendants have disavowed a connection to the instant litigation and declined to accept service. This belies the fact that Aubrey Drake Graham serves as both the Chief Executive Officer and Founder of this company, as well as its registered agent for the service of legal documents. Our process servers have made several attempts to serve Drake and OVO Sound LLC at the same address, but unfortunately, these efforts have been unsuccessful due to the absence of anyone available to receive the documents at the specified location. However, OVO Sound LLC, as well as Republic Records, Inc., has received credit across virtually all platforms for the infringing song, and has explicitly acknowledged its connection to the infringing song central to this dispute.

We have additionally devoted substantial resources and time to effectuate service upon Defendant Diamante Anthony Blackmon. His residence is purportedly located in the state of Nevada. However, our process servers were unable to access his gated residence. Furthermore, we engaged a professional investigator to assist in the location and service of Mr. Blackmon yet those attempts have thus far been unsuccessful. Lastly, we have attempted to engage in direct communication with whom we believe is legal counsel associated with Mr. Blackmon's management company. We have yet to receive a response.

Furthermore, while Rule 4(m) states on its face that it does not apply to service upon foreign nationals, the undersigned similarly requests the Court extend the deadline to serve in the

foreign Defendants Alexander Lustig, Christian Beau Anastasiou Astrop, Johannes Klahr, Richard Zastenker, Universal Music Publishing AB, Bremer Music Group AB. After much effort, and examining foreign websites, we were able to identify the addresses of Defendants Johannes Klahr, Bremer Music Group AB, and Richard Zastenker. Accordingly, the Summons and Complaint were sent through the Clerk of Court pursuant to FRCP 4 (f)(2)(C)(ii) and via FedEx. However, locating addresses for Defendants Alexander Lustig and Christian Beau Anastasiou Astrop has proved to be a challenge. Although our investigation indicated that these individuals resided in Canada and the United Kingdom, respectively, we have, thus far, been unable to ascertain their precise places of residence. We have engaged the assistance of a private investigator to assist in this effort.

As such, we respectfully seek an extension to November 15, 2023, to serve the Summons and Complaint on the outstanding Defendants as described above. Plaintiff further requests that the Court issue an order permitting alternative service of the Summons and Complaint on Defendants Christian Beau Anastasiou Astrop and Alexander Lustig, Diamante Anthony Blackmon and OVO Sound LLC; and Johannes Klahr, Richard Zastenker, Universal Music Publishing AB, and Bremer Music Group AB should service pursuant to FRCP 4 (f)(2)(C)(ii) fail. Service upon these Defendants through alternative means would significantly expedite the process of service and potentially obviate the problems with serving these Defendants thus far by traditional means. Plaintiff will brief the request for alternative service under separate cover.

Application GRANTED in part. Plaintiff shall issue a status letter no later than October 16, 2023, describing the status of service against all Defendants. The Court reserves judgment on Plaintiff's request for alternate service until a formal motion is filed. Plaintiff shall file any motion for alternate service no later than October 23, 2023. The conference previously scheduled for October 10, 2023, is hereby rescheduled to November 21, 2023, at 9:00 a.m., and will be held via telephone. The Clerk of Court is directed to terminate ECF No. 44.

Respectfully submitted,

/s/ Imran H. Ansari

SO ORDERED.

